

REMARKS/ARGUMENTS

The Office Action mailed December 22, 2003 has been reviewed and carefully considered. Before the present Amendment, Claims 1-24 were pending, with Claims 1, 20, and 22 being in independent form. In the present amendment, Claims 2-3 have been cancelled without prejudice, Claims 1 and 4-24 have been amended in order to conform to U.S. patent practice (e.g., changing "characterized in that" to "wherein") and to clarify the nature of the present invention, and Claims 25-29 have been added. Claims 25-29 contain no new matter: support for newly added Claim 25 may be found at least on lines 8-10 of page 2 in the originally filed specification; Claims 26 and 28, on lines 35-37 of page 5; and Claims 27 and 29, on lines 12-15 of page 6. The specification has been amended to correct minor errors and to conform to U.S. patent practice. In addition, the specification has been amended to recite the priority claim which has already been submitted to, and acknowledged by, the U.S. Patent and Trademark Office (see Notification of Acceptance of Application under 35 U.S.C. 371 (PTO Form PCT/DO/EO/903) dated June 28, 2001, or the Filing Receipt dated July 2, 2001). After the present Amendment is entered, Claims 1 and 4-29 will be pending, with Claims 1, 20, and 22 being in independent form.

Reconsideration and withdrawal of the objections and rejections in the December 22, 2003 Office Action are requested on the basis of the foregoing amendments and the following remarks.

In ¶1 of the December 22, 2003 Office Action, the Examiner required under 37 CFR §1.72(b) that an Abstract on a separate sheet be filed. Applicant notes that this is an improper objection, because the present application is a U.S. national stage application of international stage PCT application No. PCT/ FI99/00969, the pamphlet of which was included in the filing papers of this national stage application. As stated at §1893.03(e) of the MPEP (emphasis added):

When the international application is published as the pamphlet, the abstract is reproduced on the cover page of the publication, even though it appears on a separate sheet of the international application in accordance with PCT Rule 11.4(a). Thus the requirement of 37 CFR 1.52(b) that the abstract "commence on a separate sheet" does not apply to the copy of the application (pamphlet) communicated to the designated Offices by the International Bureau under PCT Article 20. Accordingly, **it is improper for the examiner of the U.S. national stage application to require the applicant to provide**

an abstract commencing on a separate sheet if the abstract does not appear on a separate sheet in the pamphlet. Unless the abstract is properly amended under the U.S. rules during national stage processing, the abstract that appears on the cover page of the pamphlet will be the abstract published by the USPTO under 35 U.S.C. 122(b) and in any U.S. patent issuing from the application.

Therefore, in the present national stage application, the filing of the original Abstract on a separate sheet is not necessary. Withdrawal of the requirement is respectfully requested.

In ¶3 of the December 22, 2003 Office Action, the Examiner rejected all pending claims (Claims 1-24) under 35 USC §102(e) as anticipated by *LeBlanc* (WO 98/10538). In response, independent Claims 1, 20, and 22 have been amended to clarify the nature of the present invention. These independent claims now recite a partial definition of a macro diversity connection: "in a macro diversity connection, each cell in an active set of base station cells maintains a radio connection with a mobile terminal, the mobile terminal divides one signal to transmit on each of the radio connections, and the cellular system receives and combines the received signals to produce the original signal". Furthermore, the claims have been amended to recite that each cell in the active set is classified as either in or out of the serving cell set, and that a master cell is selected from the serving cell set, where the master cell is to be used for at least one of connection management and location procedures between the cellular system and the mobile station. Such connection management and location procedures may include, for example, location registration or mobile originated (MO) connection management (CM) service requests.

LeBlanc neither teaches nor suggests the invention recited in amended independent Claims 1, 20, and 22 of the present application. Specifically, *LeBlanc* neither teaches nor suggests classifying the cells in an active set as either in or out of a serving cell set, and then selecting a master cell from said serving cell set, where said master cell is used for connection management or location procedures. At least because independent Claims 1, 20, and 22 recites these limitations, Claims 1, 20, and 22 are patentable over *LeBlanc*. Withdrawal of their rejection is respectfully requested.

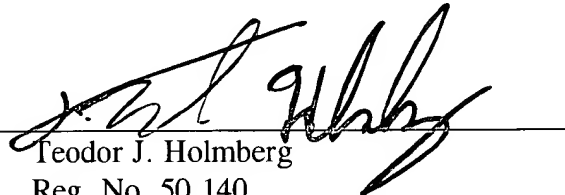
At least through their dependence on Claims 1, 20, and 22, which are patentable over *LeBlanc*, Claims 4-29 are also patentable over *LeBlanc*, and withdrawal of their rejection is respectfully requested.

It is respectfully submitted that all the pending claims are in condition for allowance,
which is respectfully requested.

Respectfully submitted,

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